

REMARKS

Claims 1-3 and 5-31 remain pending. Reconsideration is respectfully requested.

Claims 1-3, 5-11 and 17-25 were rejected under 35 U.S.C. § 102(e) as anticipated by Burgermeister (U.S. Patent No. 6,679,911). Independent claim 1 was amended to more succinctly claim the invention and to specify that the manner in which adjacent rings are interconnected in combination with the double peak arrangement causes said stent to increase in length upon expansion. More particularly, in reference to FIGS. 6-8 of the application for example, it should be clear that the peak-to-peak or valley-to-valley interconnection of adjacent rings causes the longitudinal spacing of adjacent peaks or valleys to remain constant upon expansion while the enlargement of the apertures in the end rings causes the overall length of the stent to increase. In stark contrast thereto, adjacent rings in the cited reference (FIGS. 7A and 7B) are connected peak to valley or valley to peak and thus cause a shortening of the stent upon expansion which the relatively small increase in hinge length cannot overcome. As such, the cited reference fails to anticipate independent claim 1, as amended, as well as all claims depending therefrom.

It is also respectfully submitted that claims 1-3, 5-11 and 17-25 also avoid obviousness in view of the Burgermeister reference as the "living hinge" is intended to merely reduce a foreshortening of the stent (column 7, lines 57-58). As such, the reference teaches away from a hinge and interconnection combination that actually causes an overall lengthening of the stent.

Claims 4, 12-16 and 26-31 were rejected under 35 U.S.C. § 103(a) as obvious over Burgermeister in view of Fischell et al. (U.S. Patent No. 5,695,516). The Examiner acknowledges that the primary reference fails to state that the stent of FIGS. 7A and 7B lengthens upon expansion but relies on the secondary reference for a general teaching of


the desirability of an overall lengthening. It is respectfully submitted however that while Burgermeister discloses a plurality of different configurations for interconnecting adjacent rings and hinging ring peaks, it is not clear which interconnection configuration or which combination of interconnections and hinges would yield the desired result. In effect, the Examiner is relying on **hindsight** to combine an appropriate interconnection with a "living hinge" to find obviousness which has consistently been found to comprise an insufficient basis for such a rejection.

In light of the above amendments and remarks, applicant earnestly believes the application to be in condition for allowance and respectfully requests that it be passed to issue.

Respectfully submitted,

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